

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Respondent,

2:05-cr-0101-GEB-GGH-P

vs.

JOSE DELGADO-RODRIGUEZ,

Movant.

ORDER

Movant, a federal prisoner proceeding pro se, has filed a motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On November 7, 2006, the magistrate judge filed findings and recommendations herein which were served on movant and which contained notice to movant that any objections to the findings and recommendations were to be filed within twenty days. Movant has filed objections to the findings and recommendations.¹

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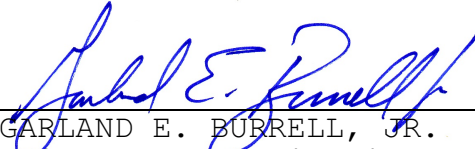
¹ Movant predicates his objections, and seeks a stay, based on a case currently pending before the U.S. Supreme Court, U.S. v. Resendiz-Ponce, 425 F.3d 729 (9th Cir. 2005), cert. granted, 126 S. Ct. 1776 (2006), which implicates issues not related to the claim movant makes in his § 2255 motion.

1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-
2 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire
3 file, the court finds the findings and recommendations to be supported by the record and by
4 proper analysis.

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. The findings and recommendations filed November 7, 2006 are adopted in full;
7 2. This motion is summarily dismissed, pursuant to Rule 4(b) of the Rules
8 Governing Section 2255 proceedings; and
9 3. The Clerk of the Court is directed to close the companion civil case, No. CIV
10 S-06-1615 GEB GGH P.

11 Dated: December 22, 2006

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14 GARLAND E. BURRELL, JR.
United States District Judge
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